

Claims 2-4, 6-10, 12, 18-20, 22-23 from the parent application have been canceled in this Continuation application. Accordingly, claims 1, 5, 11, 13-17, and 21 from the parent application are renumbered as claims 1-9 in this Continuation application.

Independent claims 1 and 17 were modified in the 37 CFR 1.53(b) Continuation application to include limitations which further distinguish applicant's invention from the systems disclosed in the prior art. To summarize, 14 claims have been canceled, and no new claims have been added.

Independent claim 1 of the 37 CFR 1.53(b) Continuation application, also independent claim 1 in the parent case, has been amended as follows:

1. (Amended) In a remote audience survey system, a method of compensating for a station bias, said survey system being configured to identify radio stations to which tuners are tuned, said tuners having predetermined signals emitted therefrom, and said method comprising the steps of:

measuring durations during which a portion of said predetermined signals are received by said survey system, said portion of said predetermined signals describing one of said radio stations;

combining said durations to form a characteristic detection statistic for said one radio station; and

adjusting a sensitivity level to provide an amplitude threshold for said one radio station in response to said characteristic detection statistic to compensate for said station bias prior to collecting survey data.

Claim 2 of the 37 CFR 1.53(b) Continuation application, which was claim 5 in the parent application, remains unchanged as originally filed in the parent case.

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17. (Amended) A bias compensating remote audience survey system for identifying radio stations to which tuners are tuned, said tuners having predetermined signals emitted therefrom, and said system comprising:

- an antenna for establishing a detection zone within which a portion of said predetermined signals are occasionally emitted, said portion of said predetermined signals describing one of said radio stations;
- a receiver, coupled to said antenna, for receiving said portion of said predetermined signals;

a timer, coupled to said receiver, for measuring durations over which said portion of said predetermined signals are received;

a compiler, in data communication with said timer, for compiling said durations to form a characteristic detection statistic for said one radio station; and

a bias compensator, coupled between said compiler and said receiver, for adjusting a sensitivity level to provide an amplitude threshold for said one radio station in response to said characteristic detection statistic.

Claim 9 of the 37 CFR 1.53(b) Continuation application, which was claim 21 in the parent application, has been amended to correct the dependency of claim 9 in response to the renumbering of the claims in the Continuation application. Accordingly, claim 9 depends from claim 8 in the Continuation application.

The Office Action in the parent case, dated 14 September 1999, rejected claims 1, 5, 11, 13-17, and 21 under 35 U.S.C. §103(a) as being unpatentable over *Worthy* (U.S. Patent No. 5,410,724) in view of *Wernlund* (U.S. Patent No. 3,434,150). Claims 1, 5, 11, 13-17, and 21 were also rejected over *Worthy* in view of *Wernlund* in the 15 April 1999 Office Action.

Worthy teaches of a system for identifying radio stations to which tuners are tuned. The *Worthy* system includes an antenna that projects a detection zone across a portion of a road. A scanning receiver couples to and is controlled by a data logging computer. The computer commands the receiver to look for one FM local oscillator (LO) signal that may be emitted from within the detection zone. If one LO signal is detected, other LO signals that may be detected at the receiver are ignored until the one signal is no longer detectable. An attenuator allows LO signals emitted from the radios in the detection zone at noisy frequencies to have the same likelihood of being detected as LO signals emitted at less noisy frequencies. A compiling computer

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accumulates the data logged by the data logging computer into a spread sheet.

Wernlund also teaches of a system for identifying radio stations to which tuners are tuned through the detection of local oscillator (LO) signals emitted from the tuners. In particular, *Wernlund* teaches of detecting the weak local oscillator signals in the presence of strong distantly generated radio frequency interference. The *Wernlund* system includes two receiving antennas that project a detection zone (i.e., zone of sensitivity 16) across a roadway. The position and interconnection of the two antennas are chosen to cancel strong distantly generated interference or noise and to enhance the level of the desired station dependent signals relative to the noise. (col. 2, lines 13-25) In other words, the *Wernlund* system is configured to improve the signal-to-noise ratio in order to permit reliable detection of weak local oscillator emissions.

The *Wernlund* antennas are positioned so that the desired signal arrives substantially along a line connecting the antennas. The receiving antennas are closely spaced so that the distance between an interfering transmitting antenna and each of the receiving antennas is great so that the power received at each of the receiving antennas will be substantially the same and the interference will cancel. The outputs from the antennas are fed to a difference detector for combining the outputs in phase opposition and for producing a resultant output in accordance with the differences of the outputs from the antennas. Amplifiers may be connected between the antennas and the difference detector to compensate for any difference in gain, and the signal paths from the antennas may be adjusted to have substantially identical amplitude and phase characteristics. (col. 5, lines 64-74)

In response to Applicant's arguments regarding a first rejection of independent claim 1 in the parent case, the Office Action contends that the features upon which Applicant relies (i.e., adjusting an amplitude threshold over which the LO signals from the two receiving antennas must be) are not recited in Applicant's claim 1. The Office Action further contends that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Accordingly, independent claim 1 is being amended in the 37 CFR 1.53(b) Continuation application to more distinctly point out that which Applicant believes to be the invention. In particular, claim 1 is being amended to point out the feature of "adjusting a sensitivity level to provide an amplitude threshold for said one radio station...". Likewise, independent claim 8, formerly claim 17 in the parent application, is being amended to point out this feature by reciting "a bias compensator, coupled between said compiler and said receiver, for adjusting a sensitivity level to provide an amplitude threshold for said one radio station...".

Applicant teaches of providing an amplitude threshold over which predetermined signals (such as LO signals) must reach in order for the frequency to be detectable by the survey system. This amplitude threshold is provided by adjusting the sensitivity level (page 16, line 21-24, and page 23, line 18, through page 24, line 23).

Wernlund does not teach or suggest of adjusting a sensitivity level to provide an amplitude threshold as recited in Applicant's amended independent claim 1. Rather, *Wernlund* teaches of adjusting the gain of the signals from the two receiving antennas to compensate for any difference in gain between the two received

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signals. Accordingly, Applicant's claimed adjusting a sensitivity level to provide an amplitude threshold is not *Wernlund's* gain adjustment.

The 14 September 1999 Office Action in the parent case discusses new grounds for rejection on page 2 of the Detailed Action by contending that it "would have been obvious to compensate for bias prior to collecting data to ensure that the data collected would have been accurate." However, as further stated on page 5 of the Detailed Action, the Examiner concurs with Applicant's arguments that *Worthy* and *Wernlund* do not disclose claim 1 as amended in the previous 25 June 1999 Amendment. That is, the Examiner indicates that neither *Worthy* nor *Wernlund* disclose compensating for said station bias prior to collecting survey data as amended in the previous Amendment. Accordingly, Applicant respectfully notes that the Office Action contains seemingly contradictory remarks.

Nevertheless, the Examiner is respectfully requested to note that, *Worthy* attempts to mitigate the affects of station bias after collecting survey data by performing a pruning process to remove potentially biasing data records away from the remaining data records (col. 11, line 6 through col. 12, line 42). *Wernlund* neither mitigates the affects of nor compensates for station bias either prior to or after collecting survey data. Thus, a combination of *Worthy* and *Wernlund* could not produce Applicant's claimed "adjusting a sensitivity level to provide an amplitude threshold for said one radio station in response to said characteristic detection statistic to compensate for said station bias prior to collecting survey data" as recited in amended independent claim 1.

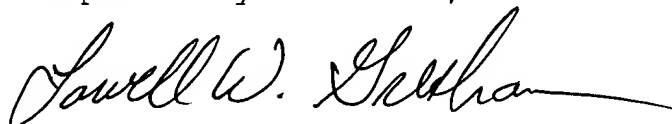
For the reasons set forth above, the combined teachings of *Worthy* and *Wernlund* do not render obvious Applicant's invention

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of claim 1, and independent claim 1 is believed to be allowable. Claims 2-7 (i.e., claims 5, 11, 13-16 in the parent case) depend from claim 1 and are believed to be allowable for the reasons set forth in connection with claim 1. Claims 10 and 11 depend from claim 9 and are believed to be allowable for the reasons set forth in connection with claim 9. Likewise, amended independent claim 8 (claim 17 in the parent case) and claim 9 (claim 21 in the parent case), which depends from claim 8, are believed to be allowable for the reasons set forth above in connection with claim 1.

Applicant believes that the Preliminary Remarks to the accompanying 37 CFR 1.53(b) Continuation application are fully responsive to all rejections mentioned in the 14 September 1999 Office Action in the parent case, and that the present application is now in a condition for allowance. Reconsideration of the above-mentioned rejection is respectfully requested.

Respectfully submitted,



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